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**VIA ECF**

October 5, 2023

Hon. Andrew L. Carter, Jr., USDJ  
United States District Court  
Southern District of New York  
40 Foley Square - Room 435  
New York, N.Y. 10007

MEMO ENDORSED

**Re: *Father Demetrios Kehagias v. Philadelphia Indemnity Ins. Co., et al***  
**Docket No. 1:23-cv-07567**

Dear Honorable Judge Carter:

I am counsel for the Plaintiff and I am writing to request the Court modify its order dated October 4, 2023 directing the Plaintiff to file a "Redlined document comparing the Complaint to the proposed Amended Complaint," ECF Doc. No. 12. I am writing to request to the Court to permit the Plaintiff either to file an alternative statement, indicating and identifying categories of changed paragraphs and additional paragraphs (along with identifying the subject paragraphs - *e.g.*, some paragraphs may only involve the elimination of the phrase "Third-Party") rather than a "Redlined" version.

This request is the result of my work on preparing a "Redlined" version of the Amended Complaint for the Court. The changes draw from three basic areas, all of which are not substantive changes: 1) corrections due to typographical errors identified shortly after the filing of the Impleader Complaint and submitted in a separate filed statement with the State Court, NYSCEF Doc. No. 311 (attached); 2) revisions and corrections to the allegations based on information, such as the production of the relevant insurance policies by defendants or documents; and 3) editing the complaint in order to assist in clarifying the claims, particularly as the case is now severed from the underlying State Court case, *Ashcroft v. Iqbal*, 556 U.S. 662. This resulted in an additional 41 paragraphs and a significant change in ordering of many of the paragraphs in the First Claim of Relief (formerly identified as the "First Cause of Action").

The Amended Complaint submitted to the Court and adverse counsel does not involve substantive changes, and was not "Redlined" when drafted. Adverse counsel were previously apprised that the scope of the changes involved correcting the typographical errors, clarifying the

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parties (particularly for Subject Matter jurisdiction issues), as well as the inclusion of the four (4) new exhibits. Those exhibits are the three (3) relevant insurance policies, two by Defendant Philadelphia, one by Defendant Nationwide/Harleysville. The fourth exhibit is a reservation of rights / partial denial of coverage letter dated November 29, 2016 by Defendant Philadelphia addressed to the Archdiocese, and copied to the State Court Case's Plaintiff's counsel and the Archdiocese's counsel, advising the Archdiocese of its coverage position with respect to the defense of the Archdiocese, Archbishop and Father Kehagias which Father Kehagias says he did not receive. The State Court Case's Plaintiff later filed this letter during my client's Bankruptcy proceedings. Philadelphia's counsel disputes the legal relevancy of the letter for the purposes of amending the pleading and will be prepared to discuss that position at the scheduled October 24, 2023 Conference. The remaining exhibits, identified in the Impleader Complaint are now referenced to the filings in this case with the Case Management/Electronic Case Filing as part of Defendant Philadelphia's Removal Petition, ECF Doc. No. 1.

The Plaintiff requests the Court for an additional five (5) days, to October 11, 2023, to file a statement providing the category of changes in lieu of a "Redlined" version of the Amended Complaint. In the alternative, request is made for the Court to extend the Plaintiff's to file the Amended Complaint, along with non-substantive revisions to the previously submitted Amended Complaint in order to facilitate the drafting of the "Redlined" version.

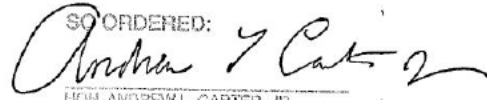
Thank you for your consideration of this request. A copy of this letter has been forwarded to adverse counsel and they have no objection to the extension of time.

Very truly yours,  
S/ *Matthew A. Kaufman*  
Matthew A. Kaufman [MK0598]

MAK  
encl.

cc: Steven Goldstein, Esq.  
Steven Ziolkowski, Esq.  
Herman Law

[via ECF]  
[via ECF]  
via email

SO ORDERED:  
  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2023  
New York, NY